



BRITISH COLUMBIA PROVINCIAL NOMINEE PROGRAM

Standard Operating Policies and Procedures Manual February 2017

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Part 1: General BC PNP Policy

1. Definitions

- (1) “Act” means the Provincial Immigration Programs Act;
- (2) “Applicant” means a person who has applied to a Skills Immigration (SI) stream not requiring an Invitation to Apply (ITA), or a Registrant who has received an Invitation to Apply (ITA) to Entrepreneur Immigration (EI) or an SI stream requiring an ITA, and has submitted an application;
- (3) “British Columbian” means a person who meets all of the following conditions:
 - (a) is a citizen of Canada or has been lawfully admitted to Canada for permanent residence;
 - (b) makes his or her home in B.C.; and
 - (c) is physically present in B.C. at least six months in a calendar year.
- (4) “BC PNP” means the British Columbia Provincial Nominee Program;
- (5) “CBCIA” means the 2015 *Canada-British Columbia Immigration Agreement*;
- (6) “Director” means the Director of Provincial Immigration Programs;
- (7) “Manual” means this Standard Operating Policies and Procedures Manual;
- (8) “Minister” means the Minister of Jobs, Tourism and Skills Training and Minister responsible for Labour;
- (9) “Nomination” means an approval by the Province that enables an Applicant and their eligible dependent family members to apply to the federal government in the Provincial Nominee class. Nominations are allocated by Canada to the BC PNP under the CBCIA;
- (10) “Program Guides” means the Skills Immigration and Express Entry Program Guide, and the Entrepreneur Immigration Program Guide, available on the [WelcomeBC](#) website;
- (11) “Regulation” means the Provincial Immigration Programs Regulation;
- (12) “Registrant” means a person who has registered with the Skills Immigration Registration (SIR) system or the Entrepreneur Immigration Registration (EIR) system;
- (13) “Supporting employer” means a B.C. employer who has issued an eligible job offer to an Applicant for the purposes of submitting an application under the Skills Immigration stream of the BC PNP. For more information on supporting employers, refer to the Skills Immigration and Express Entry Program Guide; and
- (14) “SOPP” means this Standard Operating Policies and Procedures Manual.

2. Background

- (1) This Standard Operating Policies and Procedures Manual (the Manual) is intended for use by staff of the British Columbia Provincial Nominee Program, primarily individuals evaluating provincial immigration program applications and conducting reviews of decisions under the *Provincial Immigration Programs Act* (PIPA). The Manual is only intended to provide an overview of the administrative requirements pertaining to responsibilities of the Director of Provincial Immigration Programs. It should not be interpreted as legal advice, and it should not be used in place of the *Provincial Immigration Programs Act* and the *Provincial Immigration Programs Regulation* or in place of solicitor advice.
- (2) This Manual provides guidance on policies and procedures for individuals administering the BC PNP and individuals exercising an authority under the *Provincial Immigration Programs Act* for the Director of Provincial Immigration Programs. The document includes requirements found in *Immigration and Refugee Protection Act* (Canada) for the Provincial Nominee Class.
- (3) This Manual is intended to be updated regularly to reflect continuous improvement methods and ensure continuity with federal immigration programs. This Manual is a working document. As laws change or as policies progress, this Manual and other related publications will be amended and updated. Minor and interim amendments will be itemized in Standard Operating Policies and Procedures – Interim Updates (Appendix 1.0).

3. Overview

- (1) The British Columbia Provincial Nominee Program (BC PNP) provides a mechanism to increase the economic benefits of immigration to British Columbia based on provincial economic priorities.
- (2) The BC PNP is administered in partnership with the federal government in accordance with the 2015 *Canada-British Columbia Immigration Agreement (CBCIA)*.
- (3) The Government of Canada allocates a limited number of Nominations each year to British Columbia. BC PNP utilizes the Nomination allocation to facilitate the attraction and retention of workers and international graduates for high demand occupations, and entrepreneurs who will create economic benefits for the province.
- (4) The Act governs the provincial administration of the BC PNP when it comes into force with Lieutenant Governor in Council approval of the Regulations.

4. The BC PNP Standard Operating Policies and Procedures Manual Interpretation

- (1) This Manual contains core program policies that apply to BC PNP operations.
- (2) In the event of a conflict between information in this Manual and information in the Program Guides, the Program Guides will be considered correct.
- (3) Registrations and applications will be assessed according to the program criteria in place at the time of submission.
- (4) For the purposes of this Manual, those who register with Skills Immigration Registration (SIR) system or the Entrepreneur Immigration Registration (EIR) system are referred to as “Registrants” and may be invited to apply. If a Registrant receives an ITA and submits an application they are then referred to as an “Applicant”.

- (5) In the Entrepreneur Immigration stream, an Applicant is further defined based on the stage of their registration/application:
- (a) A Qualified Registrant has successfully registered and entered the qualified pool;
 - (b) An Applicant has received an ITA and submitted an application;
 - (c) A Nominee Candidate is an Applicant who has been approved to establish a business in B.C. but has not yet been nominated for Permanent Residency in the Provincial Nominee Class;
 - (d) A Nominee is an Applicant approved for nomination by the BC PNP for Permanent Residency;
 - (e) A proposed Key Staff may be an Applicant, Nominee Candidate or Nominee depending on the stage of the Principal Applicant's application.

5. Authority and Responsibility

Acting for the Director

- (1) The Director is the sole statutory decision maker under the Act. However, the Director does not need to perform personally all statutory powers and responsibilities under the Act: section 23 (3) of the *Interpretation Act* confirms that employees of the BC PNP may act for the Director in carrying out the Director's statutory powers and responsibilities. Please refer to the Responsibility Matrix in Appendix 2.0 for more information.

Federal Authority

- (2) The BC PNP operates under the federal authority of *Annex A* of the *CBCIA*. The *CBCIA* is authorized under *Section 8* of the federal *Immigration and Refugee Protection Act* (2001, c. 27).

Nomination

- (3) A nomination is an approval by the Province that enables an Applicant and their eligible dependent family members to apply to the federal government in the Provincial Nominee class. Nominations are allocated by Canada to the BC PNP under the *CBCIA*.

Immigration and Refugee Protection Regulations

- (4) The BC PNP is subject to *Section 87* of the *Immigration and Refugee Protection Regulations (IRPR)* governing the Provincial Nominee class, and *Annex A* of the *CBCIA*.

Administrative Responsibility

- (5) The Ministry of Jobs, Tourism and Skills Training and Responsible for Labour administers the BC PNP on behalf of the Government of British Columbia.

6. Legal Opinions

- (1) Legal opinions to the PNP including advice on approvals, reviews, judicial reviews or any other matter are subject to client solicitor confidentiality and may not be shared, or provided under a freedom of information request, without the express written consent of the PNP and their solicitor. Other communications with program legal advisors may also be confidential or protected from freedom of information disclosure; therefore the lawyer's consent should be obtained before providing the information to anyone outside the PNP.

7. Transition Provisions

- (1) The Act and Regulation came into effect February 1, 2017. The following transition policies apply:

- (a) Approvals of Applications will be assessed under criteria in effect on the date the Application was accepted by the PNP.
- (b) Processes (as opposed to decision making criteria) are determined by the legislation and policy in effect at the time the PNP is undertaking the action.
 - For example, if an Application is accepted by PNP on January 15, 2017, the Program Adviser will assess the application based on the requirements in place on January 15, 2017.
 - If the assessment process extends to or past February 1, 2017, when the Act came into force, the PNP may conduct inspections and use all other statutory powers in force at the time it is performing its assessment.
 - If the Applicant files for review of the decision on or after February 1, 2017, the prescribed fees established under the Regulation apply to the request for review.
- (c) Requests for review of decisions must be submitted within 30 days of the decision if the applicant is a resident of Canada, or within 60 days if the applicant is not a resident of Canada, regardless of whether the decision was made before, on, or after February 1, 2017.

(2) Appendix 3.0 provides a comparison table of the policy and legislative regimes.

8. Protection of Privacy and Security of Information

(1) BC PNP takes all reasonable steps to maintain the confidentiality of corporate information.

9. Collection and Disclosure of Personal Information

- (1) The BC PNP may collect, use and disclose personal information in compliance with the *Freedom of Information and Protection of Privacy Act* (FOIPPA). In addition to the abilities set out under FOIPPA, the BC PNP has additional powers for collection, use and disclosure of personal information under the Act and Regulation.
- (2) The PNP is authorized to collect, use and disclose personal information in accordance with section 8(3) of the Act, for the purposes of:
 - (a) administering the PNP;
 - (b) assessing an Application or Registration, or a request for review of a decision;
 - (c) conducting inspections as authorized by the Act;
 - (d) collaborating with the government of Canada respecting a possible contravention of the *Immigration and Refugee Protection Act* (Canada).
- (3) In addition to the purposes listed above, the BC PNP obtains consent from registrants and applicants to use and disclose, both inside and outside of Canada, personal information about the Registrant or Applicant and (if applicable) their dependents that was collected in relation to their BC PNP application for the purposes of:
 - (a) ensuring compliance with applicable laws (other than the *Immigration and Refugee Protection Act* (Canada)); and
 - (b) cooperating with other provinces for the purpose of evaluating the BC PNP and permitting other provinces to evaluate applications to that province's PNP, verifying information provided by the Registrant or Applicant in an application to that province's PNP, and administering the PNP of that province.
- (4) Collection, disclosure, or use for any purpose other than those described above requires authorization under FOIPPA. Most often, this will take the form of consent by the person the

personal information is about, or an information sharing agreement authorized by the Minister under section 9 of the Act.

- (5) If authorised as described above, the PNP may collect personal information from and disclose it to sources inside or outside Canada, including current and former employers, professional organizations, industry associations, educational institutions, financial institutions, government or quasi-government agencies, and law enforcement agencies. Please refer to individual Information Sharing Agreements as they become established for more information.
- (6) Under section 10 (1) of the Act any person who has provided information to the PNP may request that their identity not be disclosed. If such a request is made, the person's identity must not be disclosed, subject to the exceptions described in sections 10(1)(a) and (10)(1)(b) of the Act.

10. Freedom of Information Requests

- (1) The PNP discloses information in accordance with the Act and FOIPPA in consultation with the Freedom of Information Office.

11. Request for information under Information Sharing Agreements

- (1) Section 9 of the Act allows the Director, with the prior approval of the Minister, to enter into information sharing agreements for personal information identified in section 8 of the Act or in a regulation.

12. Application Documents and Information

- (1) Under section 3 of the Act, PNP applications must be submitted in accordance with forms and in the manner approved by the Director. The Director approved PNP guides are published on the [WelcomeBC website](#). Registration and application forms are accessed through [BC PNP Online](#).
- (2) The BC PNP may provide copies of the decision letter, and, if applicable, the confirmation of nomination and work permit support letter to the Applicant/Nominee if requested in writing.

Where a Registrant/Applicant/Nominee is unable to access their CMS Profile, the BC PNP may grant access after they produce verification of their identity.

13. Priority Processing

- (1) Registrations are required in specific PNP categories that require an invitation to apply. Registrations are scored to facilitate prioritization of applications based on human capital and economic factors including, but not limited to:

Skills Immigration

- (a) Skill Level of the B.C. Job Offer
- (b) Wage of the B.C. Job Offer
- (c) Regional District of Employment
- (d) Directly Related Work Experience
- (e) Highest Level of Education
- (f) Language

Entrepreneur Immigration

- (a) Experience

- (b) Net worth
 - (c) Personal investment
 - (d) Jobs created
 - (e) Adaptability
 - (f) Business concept
- (2) The BC PNP may prioritize applications for occupations that are in high demand or that contribute significant economic benefits to British Columbia.

14. Registration and Application Intake

- (1) Registrants and Applicants must provide a complete Registration or Application as outlined in the applicable Program Guide. Applications may be declined if the Registrant/Applicant has failed to provide sufficient evidence that they meet program criteria. In these circumstances, application fees are not refunded.
- (2) It is the responsibility of the Registrant or Applicant to provide accurate, complete and reliable information to facilitate BC PNP assessment. It is the responsibility of the BC PNP to consider the information submitted in a BC PNP application before rendering a decision on the application.
- (3) The Director may decline an application if the information provided is not accurate, complete or reliable.
- (4) An individual may only have one active registration or application at any time.
- (5) Except where otherwise noted, applications and registrations must be submitted online.
- (6) If an individual is unable to submit an online registration or application because of a physical or mental disability, a registration or application may be submitted by another means made available by the BC PNP that would enable that individual to submit the application or registration, including a paper form. Requests for alternative arrangement must be made in writing to the BC PNP.

15. Refusal to Accept an Application

- (1) The Director may refuse to accept applications if any of the following apply:
 - (a) the application fee has not been provided;
 - (b) the application is missing documents or other information that is required by the Director to be submitted with the application;
 - (c) accepting the application would result in the applicant having more than one active Registration or Application;
 - (d) the applicant submitted their application outside of the period set out in the ITA;
 - (e) the Director has determined the applicant has made a misrepresentation, or otherwise failed to comply with the Act or Regulation, in relation to a previous Application within the previous two years and knew or ought to have known of the misrepresentation or other failure;
 - (f) the Director has determined the applicant's supporting employer has made a misrepresentation or failed to comply with section 11(2)(d) of the Act, in relation to a previous application within the previous two years and knew or ought to have known of the misrepresentation or failure;
 - (g) the applicant had a previous nomination cancelled under section 6 of the Act within the previous two years;

- (h) the paid representative, if applicable, is not an authorized representative as defined in section 91(2) of the [Immigration and Refugee Protection Act](#) (Canada).
- (2) The two year period during which the Director may refuse to accept applications under 1(e), (f) or (g) above begins on the date that the Director made the determination of misrepresentation or failure to comply with the Act or Regulation, or the date the Director cancelled the previous application. In most cases this will be the date a decision notice is communicated to the Applicant or employer.
- (3) It is the PNP's practice to notify applicants or supporting employers of their ineligibility to apply at the time they are found by the PNP to have misrepresented or failed to comply with the Act or Regulation in a manner which will result in the PNP applying its power to refuse to accept future applications.

16. Application Intake Closures

- (1) Application intake for BC PNP streams and categories is dependent upon program and nomination capacity, and provincial economic and labour market priorities.
- (2) Subject to Ministerial approval, the BC PNP may close application intake for any stream or category at any time, without prior notice. Application intake closures will be published on the BC PNP website.

17. Representatives

- (1) A Registrant or Applicant is not required to use a representative.
- (2) A Registrant or Applicant may be represented by a paid or unpaid Authorized Representative.
- (3) If an Applicant is represented, a Use of a Representative – Applicant form must be submitted to the BC PNP. For applicable Skills Immigration Stream Applications the supporting employer must complete a "Use of a Representative – Employer Form" if they are using a representative
- (4) If a paid Representative is identified during review of registration or application assessment to not be a member in good standing of their professional association, the Registrant or Applicant will be notified that the representative is ineligible and any communication with the ineligible representative will cease. The BC PNP will proceed to assess the Registration or Application on the basis that the Registrant or Applicant does not have a Representative.
- (5) The Director may refuse to accept an application if the paid representative is not an authorized representative as defined in section 91(2) of the [Immigration and Refugee Protection Act](#) (Canada).
- (6) Registrants/Applicants must maintain current representative information with the BC PNP at all times.

Paid Representatives

- (7) The Act and Regulation restricts paid representation to groups defined by section 91(2) of the Immigration and Refugee Protection Act:
 - (a) immigration consultants who are full members in good standing of the Immigration Consultants of Canada Regulatory Council
 - (b) lawyers or other members in good standing of the Law Society of BC or another Canadian Law Society, the Nova Scotia Barristers' Society, or the Chambre des notaires du Quebec.

Unpaid Representatives

- (8) Registrants/Applicants may use the services of an unpaid representative to act on their behalf. Unpaid representatives may include persons authorized under the Act and Regulation (see above), family members, friends, and members of a non-governmental or religious organization.
- (9) The BC PNP only considers representatives as unpaid if they do not charge fees or receive any other form of compensation or benefit for providing immigration advice or related services.
- (10) A Registrant or Applicant must disclose if they have received assistance in preparing their application from a person who is compensated or receives a benefit as a result of such assistance. Failure to declare such assistance may result in the refusal of the application.

Removing or Changing Representatives

- (11) Only one Representative may be used at any given time. To change a Representative, the Registrant or Applicant must submit a new "Use of a Representative Form". Submitting a new "Use of a Representative Form" will serve to replace any previous representative.
- (12) Registrants/Applicants may remove their representative, without replacement, by contacting the BC PNP in writing and requesting the removal of that representative.
- (13) Representatives may remove themselves from a registration/application by contacting the BC PNP in writing. In this instance, the BC PNP will notify the registrant/applicant and inform the registrant/applicant that their authorized representative has removed themselves.

18. Translation and Interpretation

- (1) Registrations and Applications to the BC PNP must be submitted in English.
- (2) All interviews are conducted in English.
- (3) Translation and interpretation is the responsibility of the Registrant or Applicant.
- (4) Any document submitted that is not in English must be accompanied by:
 - (a) The English translation; and
 - (b) An affidavit from the person who completed the translation in which the translator has sworn in the presence of a commissioner authorized to administer oaths in the place where the affidavit is sworn, that the contents of the translation are a true translation and representation of the contents of the original document.
- (5) Translators who are certified members in good standing of one of the provincial or territorial organizations of translators and interpreters of Canada do not need to supply an affidavit. Documents must contain the date of translation, the translator's signature and certification number.
- (6) The BC PNP may request the original documents from which the English translation was prepared.
- (7) If you are unable to communicate in English, you must obtain the services of a certified court interpreter. Certified court interpreters may include members of STIBC or accredited court interpreters by the Ministry of Attorney General.

19. Fees

- (1) Registrations and Applications are submitted upon payment of applicable processing fees as described in section 3 of the Regulation, where applicable. Fees are subject to change based on ministerial approval. Fee changes will be published on the BC PNP website.

Fee Refund

- (2) Application fees may be refunded up until the BC PNP initiates assessment of the application. Once the application assessment has been initiated, fees are not refunded.

20. Language Proficiency Testing

- (1) Per *CBCIA* Annex A 4.6.1-3, where required by program criteria, language proficiency tests must be completed at a designated testing agency, including:
 - (a) International English Language Testing System (IELTS) General Training;
 - (b) The Canadian English Language Proficiency Index Program (CELPIP-General);
 - (c) The Test d'évaluation de français (TEF).
- (2) For Skills Immigration stream categories, the BC PNP may require valid language test results from any Applicant to demonstrate that they have the language proficiency to perform the duties of the position being offered to them.
- (3) Test results will be considered valid for the two years from the date of issuance. Test results must be valid at the time of Application.

21. Conditions of Nomination

- (1) Per Section 4 (2) of The Act, any applicable conditions on nomination approvals must be set out in the notification of approval. A list of these conditions is included with the Confirmation of Nomination notification.

22. Nomination Extensions

- (2) The BC PNP will not extend the Confirmation of Nomination Letter beyond the six-month validity period, unless the Nominee or Authorized Representative demonstrates an exceptional circumstance that was unforeseeable and beyond their control.
- (3) Nomination extensions may be granted if the Nominee submitted their Permanent Resident Application to IRCC prior to the expiration of their Nomination Certificate, but the application was returned to the Nominee unprocessed.
- (4) Requests for extensions based on exceptional circumstances must be submitted by email to the Director and will be reviewed on a case-by-case basis.

23. Nomination Withdrawal

- (1) The Director may cancel, or withdraw, a Nomination if the Nominee does not continue to meet the conditions on the approval of their nomination, up until they become a Permanent Resident of Canada.

- (2) Section 4 (2) of the Act authorizes the Director to attach conditions in the approval of an application. Standard conditions attach to every approval, to enable the Director to withdraw the nomination if the Nominee fails to maintain the conditions of their nomination. Based on the standard conditions of nomination, the Director may cancel the Nomination in circumstances including, but not limited to, the following:
- (a) the information provided in the application to the BC PNP was false or misleading;
 - (b) the Applicant leaves their current job in B.C. or changes employers;
 - (i.) In the case of cessation or termination of employment, the BC PNP will review the circumstances and may withdraw the nomination. The BC PNP may request additional information in order to assess a nomination withdrawal. The BC PNP may provide the Nominee and their supporting employer with an opportunity to respond to any evidence or concerns raised during this assessment.
 - (ii.) The BC PNP may continue to support the nomination if the Nominee can demonstrate their ability to economically establish in the province. In making this determination, the BC PNP may consider factors including but not limited to the following:
 - a. The circumstances regarding the Nominee's termination or cessation of employment;
 - b. The amount of time the Nominee has been unemployed; and,
 - c. Whether the Nominee has secured alternative employment with a BC PNP eligible employer.
 - (c) the Applicant fails to notify the BC PNP of material changes that would impact a nomination decision, such as promotions, terminations, layoffs, extended leaves, or if the business has closed or changed ownership;
 - (d) the Applicant is no longer residing in B.C.;
 - (e) the Applicant is in Canada and out of status;
 - (i.) If the Applicant's status has expired, and they cannot demonstrate that they have applied for restoration of status within the 90-day eligibility period, the Applicant will be considered out of status.
 - (f) the Applicant is working in Canada without authorization;
 - (g) the Applicant is under a removal order in or outside of Canada or is prohibited from entering Canada;
 - (h) For the Entrepreneur Immigration stream, the Applicant has failed to maintain the terms and conditions described in the Performance Agreement, including but not limited to business, business location, ownership percentage, job creation and maintenance or investment, as well as the ongoing and active management of the business; or,
 - (i) Otherwise as described in the Act or Regulation, or the conditions on the approval of the Application.

24. Work Permit Support for Nominees

- (1) Work permit support letters under the Skills Immigration stream may only be provided when an Applicant has been approved as a Nominee.
- (2) The BC PNP may issue a work permit support letter for Nominees when the following conditions are met:
 - (a) The Nominee has submitted an application to the federal government for Permanent Residence prior to the expiry date listed on the Confirmation of Nomination letter;
 - (b) The Nominee continues to meet the conditions under which they were nominated;
 - (c) The Nominee's current work permit expires within 120 Days;

- (3) If the Nominee changes employers, the BC PNP may issue a work permit support letter for the new employer if the BC PNP is satisfied that the Nominee continues to meet Nomination criteria.
- (4) Work Permit Support Letters are not provided to Nominees in non-job offer categories unless they have an eligible job offer from an eligible supporting employer.
- (5) For the Entrepreneur Immigration stream, the BC PNP may issue a work permit extension support letter for Nominee Candidates of the Entrepreneur Immigration stream when the Nominee Candidate demonstrates significant progress on business establishment that warrants an extension of the work permit.

25. Legal Status in Canada Required for Work Permit Support and Nomination

- (1) The BC PNP will not support the work permit or nominate an Applicant who:
 - (a) Is prohibited from entering Canada;
 - (b) Has not been lawfully admitted in the country of current residence;
 - (c) Is in Canada and is out of status. If status has expired and the Applicant cannot demonstrate that an application for restoration of status has been submitted within the 90-Day eligibility period, the Applicant will be considered out of status;
 - (d) Is working in Canada without authorization; or,
 - (e) Is under a removal order in or outside of Canada.

Part 2: Decision-Making Process

26. Documentation of Assessments and Decisions

- (1) Annex A of *the CBCIA* specifies that the Government of British Columbia will maintain records of assessments of provincial Nominee Candidates. This record of the decision making process enables the BC PNP to demonstrate that Registrants and Applicants have been treated fairly and protects the Program against claims of bias, mistreatment, delay and other elements of administrative or procedural unfairness.
- (2) The decision making process begins with receipt of the registration or application and ends at the point where the Nominee becomes a permanent resident, or is refused by the BC PNP or the federal government, or the nomination is withdrawn. The steps taken in reaching a decision on an application or in the scoring of a registration made under the Entrepreneur stream must be properly documented so as to leave a complete record of the decision-making process.

27. Due Diligence

- (1) *Annex A to the CBCIA* requires the Government of British Columbia to conduct due diligence to ensure that the Applicant has the ability and intention to economically establish and permanently settle in British Columbia.
- (2) To maintain program integrity BC PNP staff conduct due diligence to verify the evidence and material facts in each application.
- (3) The BC PNP will take steps to verify all information material to the application and will undertake additional due diligence as required.

28. Request for Additional Information or Documentation

- (1) At its discretion, the BC PNP may contact an Applicant directly to request additional evidence or information to verify information in the application, and to determine if program requirements are met.
- (2) Within the Skills Immigration stream, the BC PNP may also contact the Applicant's supporting employer directly to request additional evidence or information to verify information in the application, and to determine if program requirements are met.
- (3) Applicants are provided with notice of 15 calendar days to respond to requests for additional information. Applicants will also be provided with 15 calendar days to respond to concerns identified during the assessment of the application.
- (4) If an Applicant does not respond before the deadline, the BC PNP will continue the assessment of the application based on the information provided.
- (5) The Director may, at its sole discretion, extend the time period to respond upon review of a written request from the applicant or representative.

29. Inspections

- (1) Inspections are administrative assessments of whether an Applicant or, in the case of a Skills Immigration application, their supporting employer, has met the conditions required to be approved under section 4 of the Act, or is continuing to meet the conditions on an approval. If, on the basis of information obtained during an inspection or otherwise, an applicant or their supporting employer is determined to have breached a requirement for nomination, the application may be refused, or the nomination may be withdrawn.
- (2) Inspections may be conducted by the BC PNP as part of regular due diligence activities.

30. Timely Processing

- (3) The BC PNP will process Registrations and Applications in a timely manner.
- (4) Estimated processing times, as published on the BC PNP website, are subject to change and are based on applications without unusual circumstances. Unusual circumstances or difficult to verify information may extend the processing time for an application.

31. Decision Making

- (1) The onus is on the Applicant to demonstrate that program criteria have been met. If an Applicant fails to satisfy the Director that the criteria have been met, the application will be refused.
- (2) For Entrepreneur Immigration registrations and applications, meeting the minimum eligibility requirements does not guarantee an ITA or application approval.
- (3) Unless otherwise noted, all requirements must be met at the time of registration, if applicable, and application.

32. Approvals

- (1) Section 4 of the Act and section 6 of the Regulation apply to applications submitted before, on, or after February 1, 2017. Standards for approvals of applications are in accordance with the program criteria at the time of the application's submission.
- (2) If the Director has accepted an application, the Director must either approve or refuse the application after taking into consideration the matters prescribed under section 6 of the Regulation and any other matters the Director considers relevant. The prescribed matters under section 6 of the Regulation include:
 - (a) Whether entry of the applicant will be of benefit to the economic development of British Columbia;
 - (b) The applicant's ability and intention to permanently settle and become economically established in British Columbia;
 - (c) The applicant's language skills;
 - (d) Whether the applicant's entry will adversely affect:
 - i. the settlement of a labour dispute or the employment of a person involved in a labour dispute, or
 - ii. employment or training opportunities for British Columbians;
 - (e) Whether the applicant has entered into or intends to enter into an "immigration-linked investment scheme" as defined in section 87(9) of the Immigration and Refugee Protection Regulations (Canada); or

- (f) Whether the information provided in relation to the application is accurate, complete and reliable;
 - (g) With respect to an application for a business approval, if the applicant will provide active and ongoing management of the eligible business from within British Columbia. A business approval is defined in the Regulation to mean an approval of an application in which the applicant indicates an intention to invest in and actively manage a business in B.C.
- (3) As a component of the nomination assessment for Skills Immigration applications in which a job offer is required, the following factors will also be considered:
- (a) that the nominee is urgently required by the supporting employer;
 - (b) that the job offer is genuine and will create economic benefits or opportunities;
 - (c) that the employment is not part-time or seasonal; and,
 - (d) that the wages and working conditions would be sufficient to attract and retain Canadian citizens.
- (4) The Director may specify any other factors to be considered in policy, and these factors may be specific to the particular program being applied for.

33. Providing the Reasons for Refusing an Application

- (1) When notifying an applicant that their application has been declined under section 4(1), the Director must provide reasons for the decision.

34. Refusals for Misrepresentation

- (1) An application may be declined where:
- (a) the Director determines that an Applicant or supporting employer has misrepresented or withheld information relevant to a decision; and,
 - (b) the Applicant has been given an opportunity to respond to the concerns raised by the Director regarding the information set out in an application, and the Applicant's response, if any, does not result in the Director changing the finding of misrepresentation.
- (2) Under section 5(a) of the regulation, the Director may refuse to accept an application from an Applicant if, during the 2 year period immediately before the date of application, the Director determined that the applicant:
- (a) made a misrepresentation in relation to a previous application under the Act or otherwise failed to comply with the Act or regulations, and
 - (b) knew or ought to have known of the misrepresentation or other failure.
- (3) Under section 5(b) of the regulation, the Director may refuse to accept an application involving a supporting employer if, during the 2 year period immediately before the date of application, the Director determined that the supporting employer:
- (a) made a misrepresentation in relation to a previous application under the Act, or
 - (b) failed to comply with a requirement made under section 11(2) of the Act, and
 - (c) knew or ought to have known of the misrepresentation or failure.
- (4) "Misrepresentation" can include any of the following:
- submitting false information in an application or registration;
 - failing to disclose information relevant to an application or registration;

- communicating directly or indirectly, by any means, false or misleading information, or concealing relevant information, in any communication with the BC PNP or otherwise during the evaluation process.

35. Review

- (1) The purpose of a review is to determine whether the original decision was based on a fair process, and was within the range of decisions that could be reasonably supported by the evidence before the Director under Provincial and Federal program criteria at the time of the decision.
- (2) Requests for a review of a decision will only be accepted if all of the following occur:
 - (a) The request is made by the applicant named in the decision notice;
 - (b) The request is received within 30 calendar days if the applicant is a resident in Canada, or 60 days if the applicant is not resident in Canada, after the date of the Decision Notice.
 - i. For the purposes of a review, residence in Canada is determined by the Applicant's residential address indicated in the "Request for Review Form";
 - (c) The request is in writing, including electronic submission.
 - (d) The \$200.00 review fee has been provided.
- (3) If the request for review is accepted, the Director may confirm, vary or reverse the original decision.
 - (a) The Director may vary or reverse a decision if the Applicant demonstrates the refusal was unreasonable or procedurally unfair on the basis of the program criteria and information available when the application was declined.
 - (b) The Director will provide the reasons for this review decision to the Applicant in writing.

36. Obligations of Registrants, Applicants and Nominees to Report Material Changes

- (1) Registrants, Applicants and Nominees have an ongoing obligation to report a material change in their circumstances and must comply with any conditions on their approval.
- (2) A material change in the Registrant's, Applicant's or Nominee's circumstances includes a change of any circumstances which were relevant to the decision to approve the application, or to the conditions imposed on an approval. Any change which would have resulted in a different decision, or caused the decision maker to alter the assessment of the information provided in the application, is a material change.
- (3) Skills Immigration stream material changes may include, but are not limited to, the following:
 - (a) Change of employer;
 - (b) Change of job title and duties;
 - (c) Decrease in salary;
 - (d) Change in number of dependants;
 - (e) Change in immigration status.
- (4) Entrepreneur Immigration stream material changes may include, but are not limited to, the following:
 - (a) Change in any of the matters described in the Performance Agreement, including but not limited to business, business location, ownership percentage, job creation and maintenance or investment;
 - (b) Change in residential address;
 - (c) Change in immigration status.

Part 3: Skills Immigration

37. General Requirements

- (1) Skills Immigration Applicants must qualify under one of the following categories:

Skills Categories

- (a) Skilled Worker (SW)
- (b) Health Care Professional (HCP)
- (c) International Graduate (IG)
- (d) International Post Graduate (IPG)
- (e) Entry Level and Semi-Skilled (ELSS)

Express Entry BC (EEBC) Categories

- (a) EEBC - Skilled Worker (EEBC-SW)
- (b) EEBC – Health Care Professional (EEBC-HCP)
- (c) EEBC - International Graduate (EEBC-IG)
- (d) EEBC - International Post Graduate (EEBC-IPG)

- (2) Except where otherwise noted, the following requirements apply to Applicants in all categories in the Skills Immigration Stream:

- (a) The Applicant must register in the Skills Immigration Registration system and receive an Invitation to Apply (HCP, EEBC-HCP, IPG and EEBC-IPG are currently exempt);
- (b) The Applicant must demonstrate the ability to become economically established in B.C.;
- (c) The Applicant must demonstrate the ability to meet the BC PNP's minimum income threshold;
- (d) The Nomination of the Applicant will be of economic benefit to B.C.;
- (e) The employment of the Nominee Applicant will not adversely affect the settlement of a labour dispute, or the employment of anyone involved in any such dispute;
- (f) For National Occupational Classification Matrix 2011 (NOC) B, C, and D occupations, the Applicant must demonstrate English language proficiency at Canadian Language Benchmark (CLB) level 4 in all four competencies: listening, speaking, reading and writing; and,
- (g) The Applicant must not have an ownership stake of more than 10 % in the supporting employer's business.

- (3) Differences between the information in the Applicant's registration and their application may lead to refusal of their application.

38. Registrations

- (1) Registrants must create an online profile with BCPNP Online and complete all of the sections of the Registration to be considered for an invitation to apply.
- (2) Registrants are responsible for updating contact information in their profile and ensuring that all required information is current and accurate.
- (3) Registrations will remain in the selection pool for a maximum of twelve months from the date of submission. The expiry date is available to registrants via their BCPNP Online dashboard.

- (4) A registration in the registration system is not an Application for a BC PNP Skills Immigration approval, nor a guarantee that the Registrant will be invited to apply for a Skills Immigration approval.

39. Invitations to Apply (ITA)

- (1) Periodically, the Director will, at their discretion, invite the highest-scoring Registrants to submit an application for the Skills Immigration Stream. ITAs are based on the program's processing capacity and available annual federal allocation of nominations.
- (2) The Director will, at their discretion, determine the frequency of invitations and number of Registrants invited to apply.
- (3) Registrants who are invited to apply will have a minimum 30 calendar day period from the date of invitation to submit a complete application via the BC PNP Online system.
- (4) An ITA does not guarantee nomination.
- (5) If the Registrant receives an ITA to the Skills Immigration Stream, the registration will be removed from the selection pool.
- (6) If invited to apply, all the information provided in the registration will be verified against the information provided in the application.
- (7) Where the application information differs from registration information and the difference does not decrease the total registration score below the minimum draw score at the time of invitation, or would result in an increase in total registration score, the BC PNP may proceed with its processing of the submitted application.
- (8) Where the application information differs from registration information and the difference decreases the total registration score below the minimum draw score at the time of invitation, the application may be refused.
- (9) The Director may refuse an application if:
 - (a) The Applicant does not meet the relevant program or category requirements;
 - (b) The Registrant's registration information has changed such that their total registration score has decreased below the minimum draw score at the time they were invited to apply;
 - (c) There is a change of employer from registration to application; or
 - (d) The Applicant does not meet the requirements as described in section 31(2) of this Manual.

40. Minimum Income Requirements

- (1) To be eligible for the Skills Immigration stream, with the exception of the International Post-Graduate (IPG) category, the Applicant must demonstrate that they meet minimum income requirements according to their:
 - (a) Annual wage in B.C.;
 - (b) Location of residence in B.C.; and,
 - (c) Number of dependants.
- (2) An Applicant's family income must meet or exceed the minimum family income thresholds established by the BC PNP for the Applicant's area of residence.

- (3) The minimum family income threshold is 90% of Statistics Canada's current Low-Income Cut-Off (LICO) amount.
- (4) Family income is the total of:
 - (a) The Applicant's regular gross annual wage from the B.C. employer supporting the Applicant's application; and, if applicable,
 - (b) The Applicant's spouse or common-law partner's regular gross annual wage in B.C. from work authorized under a valid work permit.
- (5) When calculating family income, the BC PNP will only consider regular gross annual wages. The BC PNP does not consider bonuses, commissions, profit-sharing distributions, tips/gratuities, overtime wages, housing allowances, room and board or other similar payments to be part of the applicant's wage. Annual wage is calculated using hourly rate x hours worked per week (maximum of 40 hours) x 52 weeks per year.
- (6) Spouses will be included in the size of the applicant's family unless one of the following is provided:
 - (a) a signed Statutory Declaration of official separation;
 - (b) a Divorce Certificate; or,
 - (c) an equivalent official document indicating that the relationship has ended.
- (7) The number of dependants declared on an applicant's federal application for permanent residence to IRCC must match the number of dependants listed in the BC PNP application.
- (8) The onus is on the applicant's supporting employer to demonstrate that the offered wage is genuine and bona fide. Applications may not be approved where the Director determines that the offered wage has been inflated or increased for the purpose of meeting minimum income requirements, or for the purpose of obtaining a higher registration score.
- (9) Applicants working for the supporting B.C. employer on a valid work permit must be able to demonstrate a history of earning the offered wage and a history of meeting minimum income requirements prior to submitting a registration and/or application to the BC PNP. Entry Level and Semi-Skilled applicants must be able to demonstrate a history of meeting the applicable income threshold requirement for the full nine month period immediately prior to submitting a registration and/or application.
- (10) For Applicants originally hired based on a positive federal Labour Market Impact Assessment (LMIA), the wage earned at the time of registration and/or application must be equal to or greater than the wage stated in the offer of employment and on the Labour Market Impact Assessment.
- (11) Applicants under the IPG category may be required to provide evidence that they have sufficient funds to support themselves and their dependents.

41. Requirements for Express Entry BC (EEBC) Categories Only

- (1) In addition to meeting the applicable BC PNP program and category requirements, all EEBC Applicants must meet the minimum criteria for one of the following federal immigration programs in the federal government's Express Entry system:
 - (a) Federal Skilled Worker Program
 - (b) Federal Skilled Trades Program
 - (c) Canadian Experience Class

- (2) The Applicant is solely responsible for meeting the minimum federal criteria.
- (3) An IRCC Express Entry Profile Number and a Job Seeker Validation Code (JSVC) are required to register and apply to an EEBC category.
 - (a) In instances where the Applicant cannot obtain a Job Seeker Validation Code, the Applicant should contact the BC PNP for further direction.
 - (b) BC PNP staff will contact their supervisor for direction on how to proceed with an application with a missing JSVC.
- (4) An Educational Credential Assessment (ECA) from a qualified supplier is required if the Applicant included the results of their ECA in their Express Entry profile under IRCC's Express Entry system.
- (5) EEBC Nominees must accept their Nomination through IRCC's Express Entry portal within 30 Days of nomination before they can receive a federal invitation to apply for Permanent Residence.
- (6) Under the Express Entry British Columbia categories, Applicants may be required to demonstrate that they meet the minimum settlement funds criteria for one of the federal economic immigration programs subject to Express Entry.

42. Category Specific Requirements: Skilled Worker and EEBC-Skilled Worker

- (1) Applicants in these categories must:
 - (a) have an offer of indeterminate, full-time employment that falls under NOC 0, A or B from an eligible B.C. employer at a wage that meets industry standards;
 - (b) have a minimum of two years of directly related full-time (or full-time equivalent) work experience in the position that has been offered, and;
 - (c) meet any mandatory certification, licensing or registrations for the occupation that has been offered.
- (2) Directly related work experience in these categories includes:
 - (a) paid employment that is classified under the same NOC code as the B.C. job offer that the applicant has accepted; and,
 - (b) experience in a related occupation at a NOC skill level equal to or greater than the NOC code of the B.C. job offer, if the Applicant can satisfactorily demonstrate how this work experience is directly related.
- (3) Experience in a lower skill level NOC will not be considered as directly related in these categories.
- (4) Applicants with NOC B occupations are required to meet minimum language requirements.

43. Category Specific Requirements: Health Care Professional

- (2) This category is for health professionals employed with B.C.'s public health authorities. Health Match BC provides assistance to Applicants in this category.
- (3) Applicants in this category must be supported by and have a full-time job offer from a BC health authority as a:
 - (a) physician
 - (b) specialist physician
 - (c) registered nurse
 - (d) registered psychiatric nurse

- (e) nurse practitioner
- (f) an allied health professional such as a:
 - i. diagnostic medical sonographer
 - ii. clinical pharmacist
 - iii. medical laboratory technologist
 - iv. medical radiation technologist
 - v. occupational therapist
 - vi. physiotherapist

OR

- (g) midwife
 - i. must have a letter of confirmation from an established practice group in British Columbia confirming acceptance into the group as an affiliated midwife for a period of at least six months. This letter must be on the practice group's official letterhead, and must be signed by the Applicant and the head of the practice group.
 - ii. must be registered, or eligible to be registered, with the College of Midwives of British Columbia.

(4) Applicants in NOC B occupations will be required to meet minimum language requirements.

44. Category Specific Requirements: International Graduate and EEBC-International Graduate

(1) Applicants in these categories must have satisfied the requirements for an eligible degree conferred by a recognized post-secondary institution in Canada before applying to the BC PNP.

Eligible Degree Programs

(2) Eligible degree programs include undergraduate or graduate degrees awarded from a post-secondary institution in Canada that:

- (a) if in British Columbia,
 - i. Has been established under an Act of British Columbia legislature; or
 - ii. Has completed the required British Columbia government-mandated quality assessment process and has obtained Ministerial consent under the Degree Authorization Act (DAA).
- (b) if located in Canada but outside British Columbia,
 - i. Is authorized under the statute of any other province or territory to confer degrees including the undergraduate or graduate degree on which the Applicant is basing the application to the BC PNP.

(3) Eligible Certificate and Diploma Programs include programs of study, offered by a Canadian public post-secondary institution, that are greater than 8 months of Full-Time Equivalent study.

(4) Certificates and Diplomas from private institutions are not eligible.

(5) Registrations must be submitted within three years of the date shown on the Registrant's final official transcript indicating that all requirements for their program of study have been met.

(6) To be considered eligible, programs of study must consist of at least 8 months (two semesters) of full-time equivalent course work (excluding co-op work terms, practicums and internships). Co-op

work terms, practicums and internships may be completed, provided the 8-month requirement of coursework has been met.

- (7) The program of study is not eligible if it is a distance education learning program either from abroad or from within Canada.

Skill Levels for Eligible occupations

- (8) The BC PNP will consider applications for positions under NOC 0, A and B.
- (9) For the non-EEBC International Graduate Category only, the BC PNP will also consider applications for positions under NOC C and D where the supporting employer can demonstrate that there is a structured career progression to an occupation in NOC 0, A or B. Applicants in NOC B, C and D occupations will be required to meet minimum language requirements.

45. Category Specific Requirements: International Post-Graduate and EEBC-International Post-Graduate

- (1) Applicants in this category must have satisfied the requirements for an eligible degree or diploma conferred by a recognized post-secondary institution in B.C. before submitting an application.

Eligible Degree Programs

- (2) Eligible Degree Programs include master's or doctoral degrees received within the past three years from an eligible program at a post-secondary institution in B.C. in one of the following programs of study in the natural, applied or health sciences as defined by Statistic Canada's Classification of Institutional Programs (CIP) 2011;
 - (a) Agriculture, agriculture operations and related sciences – CIP 01
 - (b) Biological and biomedical sciences – CIP 26
 - (c) Computer and information sciences and support services – CIP 11
 - (d) Engineering – CIP 14
 - (e) Engineering technology and engineering-related fields– CIP 15
 - (f) Health professions and related programs – CIP 51
 - (g) Mathematics and statistics – CIP 27
 - (h) Natural resources conservation – CIP 03
 - (i) Physical sciences – CIP 40
- (3) A list of programs eligible for the IPG and EE-IPG categories can be found in Appendix 1 of the Skill Immigration and Express Entry Program Guide, available on the [WelcomeBC](#) website.
- (4) The Applicant must provide evidence of their ability and intent to live and work in B.C. The BC PNP will assess, but is not limited to, the following to determine the Applicant's ability and intention to live and work in B.C.:
 - (a) The length of any previous or current period of residence in B.C.;
 - (b) The Applicant's connections to B.C. through work, study or family;
 - (c) A description of any actions taken to permanently settle in B.C., such as finding a job or a place to live; and,
 - (d) Any other evidence the BC PNP deems satisfactory to demonstrate an Applicant's intention to live and work in B.C.

Timeline for Submitting Applications

- (5) Applications must be submitted within three years of the date shown on the Applicant's final official transcript indicating when all requirements for the program have been met.

46. Category Specific Requirements: Entry Level and Semi-skilled

- (1) All Applicants under this category must be Temporary Foreign Workers (TFWs) in British Columbia at the time of BC PNP registration and must be:

- (a) Currently working in the Northeast Development Region as a TFW in any occupation listed as NOC C or D, excluding Live-in Caregivers (NOCs 4411 and 4412);

Or

- (b) Currently working in one of the following eligible occupations:

Tourism/Hospitality

- 6525 Hotel Front Desk Clerks
- 6531 Tour and Travel Guides
- 6532 Outdoor Sport and Recreational Guides
- 6533 Casino Occupations
- 6511 Maitres d'hotel and Hosts/Hostesses
- 6512 Bartenders
- 6513 Food and Beverage Servers
- 6711 Food Counter Attendants, Kitchen Helpers
- 6731 Light Duty Cleaners (Hotels/Resorts only)
- 6732 Specialized Cleaners (Hotels/Resorts only)
- 6733 Janitors, Caretakers & Building Superintendents Other (Hotels/Resorts only)

Attendants in Accommodation & Travel

- 6721 Doorkeeper, Hotel; Guest Services Attendant, Hotel
- 6741 Dry Cleaning and Laundry Occupations (Hotels/Resorts only)
- 6742 Attendant (Hotels/Resorts only); Hotel Valet

Long-Haul Trucking

- 7511.1 Long-Haul Truck Drivers [Definition: Operate articulated or multi-articulated heavy commercial vehicles over 4,600 kg gross vehicle weight on routes more than 160 km from home base]

Food Processing

- 9461 Process Control and Machine Operators, Food and Beverage Processing
- 9462 Industrial Butchers and Meat Cutters, Poultry Preparers and Related Workers
- 9463 Fish Plant Workers
- 9465 Testers and Graders, Food and Beverage Processing
- 9617 Labourers in Food, Beverage and Tobacco Processing
- 9618 Labourers in Fish Processing

Employment History Requirements

- (1) The Applicant must have been employed in an eligible occupation by the supporting employer on a valid work permit for at least nine consecutive months immediately prior to the date of registration to the BC PNP, and should be legally employed by the supporting employer at the time of application.
- (2) Registrants who are no longer authorized to work for the supporting employer at the time they receive an invitation to apply, and who maintain legal status in Canada (e.g. as a visitor) or leave Canada, may submit an application upon invitation, provided they meet the following:

- (a) The requirement for nine consecutive months of full-time employment on a valid work permit in B.C. was met at the time of registration;
 - (b) The job offer remains valid throughout the registration and application process; and,
 - (c) The employer demonstrates ongoing recruitment for the vacant position during the period when the registrant/applicant is not authorized to work.
- (3) Long-Haul Truck driver Applicants must:
- (a) Have at least 2 years employment experience as a long-haul truck driver in the 3 years immediately prior to the BC PNP application; and,
 - (b) Have a valid B.C. Class 1 driver's licence with air brake endorsement, and other certification specific to the job.

Education and Language Proficiency

- (4) At a minimum, the Applicant must have successfully completed secondary education (graduated from high school).
- (5) The Applicant must submit valid language proficiency test results showing a minimum score equal to or greater than a Canadian Language Benchmark (CLB) level 4 in all four competencies: listening, speaking, reading, and writing.
- (a) Acceptable language tests include:
 - i. International English Language Testing System (IELTS) General Training;
 - ii. Canadian English Language Proficiency Index Program (CELPIP – General); or
 - iii. Test d'évaluation de français (TEF)

Confirmation of Remuneration

- (6) If applicable, supporting employers must submit a copy of the Labour Market Impact Assessment (LMIA) obtained from Service Canada that authorized the original hiring of the Applicant under the federal TFW Program.
- (7) Applicants must submit official records of remuneration, such as proper wage statements, in a form that complies with B.C.'s *Employment Standards Act*, or, for long-haul truck drivers, the *Canada Labour Code*, for the nine month period preceding their registration and application.
- (8) If the Applicant was originally hired through an LMIA, the offered wage must be equal to or greater than that specified in the original employment contract.

47. Employer Requirements

- (1) Every employer supporting a BC PNP Applicant must:
- (a) Be in good standing and incorporated or extra-provincially registered, registered as a limited liability partnership, in B.C., or be eligible as a public sector or non-profit employer;
 - (b) Be permanently established in B.C., as defined by the federal Income Tax Act;
 - (c) Have operated in B.C. for at least one year (two years if under the entry-level or semi-skilled category, including employment in the Northeast Development Region of B.C.);
 - (d) Have 5 permanent, full-time employees (or full-time equivalents) if located within the Greater Vancouver Regional District, or 3 permanent full-time employees (or full-time equivalents) if located outside of the Greater Vancouver Regional District area;
 - (e) Be financially sound and have a history of good workplace and business practices, including compliance with all applicable B.C. employment, labour, immigration, health and safety laws and regulations.

- (f) Have issued an accepted Job Offer to the Applicant that establishes an employee/employer relationship with the Applicant;
 - (g) Meet domestic labour market recruitment requirements (described below); and,
 - (h) Not have been found by the Director to have made a misrepresentation on an application within the previous two years.
- (2) At its sole discretion, the Director may consider an application where the supporting employer does not meet the minimum requirements, including but not limited to, considering registered businesses that are regular partnerships or sole proprietors. However, in order to be considered, the supporting employer must make a compelling business case in writing to the BC PNP that demonstrates how the nomination will generate significant economic benefits to BC.
- (3) Per the *Employment Standards Act (Section 21)*, an employer cannot make any deductions from the Applicant's pay (or require the Applicant to pay any fees) for recruitment or retention, or any fee that is normally paid by the employer.
- (4) Supporting employers must inform the BC PNP of any material changes to the Applicant's job offer. Failure to inform the BC PNP of material changes may lead to a refusal of the application or a withdrawal of nomination. It may also lead to a finding of misrepresentation.

Domestic labour market recruitment requirements

- (5) As per the *CBCIA Annex A, Section 4.8*, and Section 6 of the Regulation, the BC PNP will "not issue a nomination certificate to any person ... whose employment will adversely affect employment or training opportunities for Canadian citizens or permanent residents in British Columbia."
- (6) The requirement cited above in section 46(1)(g) may be considered to be met provided:
- (a) The Nominee Applicant has obtained a valid work permit from IRCC and is currently working full-time for the BC employer in the occupation identified in the job offer; or,
 - (b) The supporting Employer has provided evidence of a genuine and bona fide effort to recruit from the domestic labour market and is able to demonstrate the results of their recruitment efforts, including advertisements based on the following minimum requirements:
 - i. Advertisement must be for at least 14 Days;
 - ii. Acceptable recruitment advertising locations include but are not limited to:
 - a. Recognized job posting websites
 - b. Professional association websites
 - c. National newspapers, professional journals or newsletters
 - iii. Advertisements for NOC B jobs must include:
 - a. Company operating name
 - b. Job title and duties
 - c. Rate of pay
 - d. Location of work (local area, city or town)
 - e. Contact information
 - f. Skills requirements for the job including:
 - i. Education and, or, qualifications
 - ii. Work experience
 - iii. Offer a full-time job of indeterminate length.
- (7) On application to the BC PNP, the 14-Day recruitment advertisement requirement may be waived for the recruitment of senior executives or highly specialized senior managers and professionals. In these cases, the supporting Employer must demonstrate targeted recruitment activities and outcomes consistent with industry standards.

- (8) The onus is on the employer to demonstrate that genuine and bona fide efforts were made to recruit from the local labour market, and it is expected that the employer will only identify a qualified candidate for the position after a rigorous effort was made to recruit from the local labour market.
- (9) Genuine and bona fide recruitment efforts are assessed against, but not limited to, the following:
 - (a) The specific efforts made to identify a Canadian or permanent resident for the position;
 - (b) The recruitment methods and duration are consistent with industry standards and practices;
 - (c) The qualifications listed in the recruitment ads are sufficient to allow a Canadian or permanent resident to qualify for the position, do not require a candidate to have a foreign network or foreign work experience, and are not specifically catered to a particular candidate;
 - (d) The level of scrutiny exercised when verifying the qualifications of all potential candidates;The onus is on the employer to demonstrate that these requirements are met.

48. Ineligible Supporting Employers

- (1) The following types of supporting will not be approved:
 - (a) Employers involved in producing, distributing or selling pornographic or sexually explicit products, or providing sexually oriented entertainment or services;
 - (b) Employment agencies as defined in the Employment Standards Act and similar placement firms unless they are establishing an employer/employee relationship with the Applicant;
 - (c) Employers that by association would tend to bring the program or the Government of British Columbia into disrepute.

49. Job Offers

- (1) Job offers to Applicants must:
 - (a) Be for not less than 30 hours per week on average;
 - (b) Be of an indeterminate duration. Offers of employment with an end date are not eligible.
 - (c) Offer wages at the market wage rate in B.C. for the occupation and comparable to the rate paid to workers with a similar level of experience and training for equivalent jobs in B.C.;
 - (d) Offer wages consistent with the wage compensation structure of the Applicant's B.C. Employer
 - (e) Offer benefits and working conditions equivalent to those offered to domestic workers in the same NOC occupation;
 - (f) Not adversely affect the settlement of a labour dispute, or the employment of anyone involved in any such dispute;
 - (g) Not adversely affect employment or training opportunities for Canadian citizens and permanent residents of Canada; and,
 - (h) Establish an employee/employer relationship.
- (2) Independent contractors are not eligible.
- (3) Positions that require the employee to spend the majority of time outside of B.C. do not qualify.
- (4) The BC PNP has the sole authority to determine the acceptability of any Job Offer.

50. Termination or Change of Employment

- (1) The Supporting Employer and Applicant must notify the BC PNP if the terms of employment change from those in the Job Offer, including promotion, new employment, lay off, and cessation or termination of employment.
- (2) In the case of cessation or termination of employment, the BC PNP will review the circumstances and may withdraw the Nomination. The BC PNP may request additional information in order to assess a nomination withdrawal. The BC PNP may provide the Applicant and the Supporting Employer with an opportunity to respond to any evidence or concerns raised during this assessment.
- (3) The BC PNP may continue to support your nomination if you can demonstrate your ability to economically establish in the province. In making this determination, the BC PNP may consider, but are not limited to, the following factors:
 - (a) The circumstances regarding your termination or cessation of employment;
 - (b) The amount of time you have been unemployed; and,
 - (c) Your ability to secure alternative employment with a BC PNP eligible employer.
- (4) If the Nomination is upheld, the Nominee must:
 - (d) Continue to make attempts to secure employment in B.C.;
 - (e) Continue to demonstrate an intent to permanently reside in B.C.;
 - (f) Provide to the BC PNP, on request, details of the Nominee's attempts to secure employment; and,
 - (g) Meet with the BC PNP, on request.
- (5) A Nominee may change supporting employers and maintain the nomination if the following requirements are met:
 - (a) The Nominee notifies the BC PNP immediately upon receiving a new job offer;
 - (b) The new supporting employer provides supporting documentation as required by the BC PNP;
 - (c) The new supporting employer is determined by the BC PNP to meet program category requirements.

Part 4: Entrepreneur Immigration

51. Program Requirements – Registrants and Applicants

- (1) Registrants and Applicants must demonstrate that they have:
 - (a) Senior management or business ownership experience, as specified by the following:
 - i. More than three years of experience as an active business owner-manager; or,
 - ii. More than four years of experience as a senior manager; or,
 - iii. A combination of at least 1 year of experience as an active business owner-manager and at least two years of experience as a senior manager.

Business experience as an active owner-manager is defined as having performed an active role in the management and operations of a company for which the Applicant has held 10% or more ownership during the past 10 years.

Work Experience as a Senior Manager, in the absence of business ownership, or business ownership of less than 10%, is defined as having worked during the past 10 years for a company or organization as an active senior manager supervising at least three full-time employees. An active role requires personal involvement in the day-to-day operations of the company and direct involvement in decision-making.

- (b) Net Worth of at least \$600,000 CAD obtained from legal sources, which includes all assets of both the Registrant or Applicant and dependant(s) less any liabilities;
 - (c) A business plan that proposes:
 - i. Operations that will earn profits as a result of active income generated from the supply of products and/or services; and
 - ii. A personal eligible investment of at least \$200,000 CAD from the Applicant's personal funds to establish or to purchase and improve an eligible business in B.C., or \$400,000 CAD if a Key Staff is proposed;
 - iii. The creation at the place of business of at least one new full-time equivalent position for Canadian citizens or permanent residents of Canada in the business. If a Key Staff is proposed, a minimum of three new positions must be created.
 - iv. If proposing to purchase an existing business, the Registrant or Applicant must commit to maintain the number of existing positions in the business;
 - v. The Applicant's personal, active and on-going participation in the day-to-day management and direction of the business defined in *IRPR, Section 87(6)(c)*. Active management must occur at the place of business in B.C.
- (2) If the Applicant is proposing a partnership with a co-Applicant, each Applicant must demonstrate that they meet the applicable program criteria.

52. Economic Benefit and Commercial Viability

- (1) Registrants/Applicants are expected to propose to purchase and improve – or establish – a business that will contribute economic benefits to the Province and have the potential for sustained commercial viability.
- (2) The BC PNP bases its assessment of the economic benefits of the proposed business on key economic sectors, likelihood of generating significant benefits to the Province and the location of

the proposed business. Economic benefits of the proposed business are scored based on factors described in the Entrepreneur Immigration Program Guide.

- (3) The BC PNP bases its assessment of commercial viability on a variety of factors such as business model, market, investment and job figures, risk factors, financial stability and, for existing businesses the proposed expansion plan.

53. Ownership Requirements

- (1) In accordance with section 87(6)(b) of the *Immigration and Protection Regulations* (IRPR):
 - (a) Nominee Candidate's personal investment must result in ownership and control of at least one-third (33 1/3%) of common full-voting shares. The terms of the investment must not include a redemption option.
 - (b) Nominee Candidates who make an equity investment of at least \$1,000,000 CAD may hold less than one-third (33 1/3%) equity in the business.

54. Eligible Business Formation

- (1) The BC PNP will consider Registrations and Applications that propose to establish a new business, purchase an existing business, form a partnership with an existing business, and partner with a local or foreign entrepreneur to establish a new business.
- (2) The BC PNP may consider the purchase of an existing franchise only if it includes an expansion or improvement plan that the BC PNP considers consistent with franchisor requirements.

55. Ineligible Business Activities

- (1) The following types of business activities are ineligible under the BC PNP as they are not deemed to offer economic benefits to the Province, are otherwise inconsistent with program objectives, or are precluded under *IRPR* 87.
 - (a) An immigration-linked investment scheme pursuant to IRPR section 87(5)(b) and as defined in 87(9);
 - (b) Any business where the terms of investment include a redemption option pursuant to IRPR 87(6)(d);
 - (c) Bed and breakfasts, hobby farms and home-based businesses;
 - (d) Pay day loan, cheque cashing, money changing and cash machine businesses;
 - (e) Pawnbrokers;
 - (f) Scrap metal recycling;
 - (g) Coin-operated laundries;
 - (h) Automated car wash operations;
 - (i) Sale of used goods (excluding collectibles, or businesses that provide value-added services such as repairs, refurbishing or recycling);
 - (j) Real estate development/brokerage, insurance brokerage or business brokerage;
 - (k) Businesses involved in the production, distribution or sale of pornographic or sexually explicit products or services, or in the provision of sexually oriented services.
- (2) The BC PNP may disqualify a registration or refuse an application that proposes any other type of business that by association would tend to bring the program or the Government of British Columbia into disrepute.

- (3) The BC PNP may not consider businesses proposed in locations that are saturated by similar businesses. The following examples are business activities that may not offer significant economic benefit if the BC PNP deems that local market is already well-served:
- (a) Convenience stores;
 - (b) Video and DVD rental stores;
 - (c) Gasoline service stations;
 - (d) Personal dry cleaning services; and,
 - (e) Tanning salons.

56. Eligible Investment

- (1) The minimum eligible personal investment must be made from the Nominee Candidate's personal funds.
- (2) The personal investment may be used for the following types of eligible expenses including to expand or improve the business provided the BC PNP is satisfied the expense reasonable for the specific business.
- (a) New capital purchases;
 - (b) The introduction of new technology;
 - (c) Creation of new jobs;
 - (d) A reasonable amount of up to three months of new inventory related to the improvement and expansion plan where a new product is to be sold;
 - (e) Leasehold improvements;
 - (f) New marketing costs; and,
 - (g) Other related expenses deemed eligible by the BC PNP.
- (3) The BC PNP may consider the purchase of a vehicle as an eligible investment if Nominee Candidate satisfies the BC PNP that the vehicle is essential to the business. If a vehicle is considered as eligible investment, the BC PNP may only consider a maximum of \$25,000 CAD for the purchase of a business vehicle.

Purchasing an Existing Business

- (4) In case of purchasing an existing business, the BC PNP may consider as eligible investment the lesser of the total purchase price of the business or a maximum of \$150,000 CAD. In addition a minimum of \$50,000 CAD must be applied to the acquisition of items that are directly related to the expansion or improvement of the business.
- (5) When the total of the business purchase price and the minimum \$50,000 CAD in expansion/improvement expenses is less than the required minimum personal eligible investment of \$200,000 CAD the remaining balance may be applied to operating expenses.

Operating Expenses

- (6) Operating expenses refers to regular monthly expenses, including but not limited to rent, wages and salaries, and utilities.
- (7) Operating expenses cannot form part of the minimum \$50,000 CAD in expansion/improvement expenses.
- (8) The BC PNP may consider eligible operating expenses in the following circumstances:
- (a) For the establishment of a new business: A maximum of six months of operating expenses;

- (b) For the purchase of an existing business: A maximum of three months of operating expenses; and,
- (c) For the new establishment or purchase of existing franchise: A maximum of three months of operating expenses.

Ineligible Investment

(9) Any investment made prior to receiving an ITA will not be considered as eligible investment.

(10) Ineligible investments include, but are not limited to:

- (a) Wage payments made to the Nominee Candidate's family members;
- (b) Wage payments made to employees who are not Canadian citizens or permanent residents of Canada; and
- (c) "Cash" or "working capital" not defined as operating expenses.

For Purchasing Existing Businesses only:

(11) The BC PNP will not consider the purchase of real estate as an eligible investment towards the improvement or expansion of the business.

57. Job Creation and Maintenance

- (1) For the purposes of meeting the job creation and maintenance program requirements, a "full-time equivalent job" means a position of at least 30 hours per week on average worked by one or more employees under continuous employment.
- (2) All employees must be paid at a wage commensurate to their skill level and in accordance with the *Employment Standards Act* of B.C.
- (3) Independent contractors cannot be included towards the minimum job creation requirement; only persons who are employees of the Business can be included.
- (4) Dependents of the Applicant cannot be included towards the minimum job creation requirement.

58. Key Staff Requirements

- (1) The Registrant or Applicant may include one foreign, Key Staff member whose expertise is essential to the success of the business.
- (2) The Applicant proposing a Key Staff must demonstrate:
 - (a) That the Key Staff is essential to establishing or operating and expanding the business;
 - (b) That the Key Staff has relevant experience that is transferable to the proposed business in B.C.;
 - (c) That the duties of the Key Staff could not be performed by a Canadian or permanent resident;
 - (d) The Key Staff has a working relationship with the Applicant, in a senior position for at least one year out of the last three years;
 - (e) The proposed position the Key Staff will fill falls under NOC 0 or A;
 - (f) The wage offered to Key Staff is equal to or greater than the median for that occupation in B.C.; and,
 - (g) The Key Staff does not hold any ownership of the proposed business. Equity ownership may be offered as part of the remuneration package but it must be specified in the employment contract, and, in which case, it must be less than 10%.

- (3) Key Staff must demonstrate that they:
 - (a) Have the education and experience consistent with the proposed occupation in B.C. as a senior manager, professional or technical position related to the proposed business, as defined by the National Occupational Classification; and
 - (b) Have a minimum of two-years post-secondary education, if education and work experience are not specifically identified in the proposed position in B.C.
 - (c) Meet the program requirements, including active management and residency.

Refusals of proposed Key Staff

- (4) When an Applicant is refused, the Key Staff included in the application is refused. When an Applicant is approved as Nominee Candidate but the Key Staff is refused, the Applicant may proceed without the Key Staff provided the BC PNP is satisfied the Applicant can implement the proposed business plan without the Key Staff.

59. Entrepreneur Immigration Registration (EIR)

- (1) To apply to the BC PNP Entrepreneur Immigration Stream, individuals must register under the BC PNP Entrepreneur Immigration Registration and be invited to apply.
- (2) The EIR is a points-based system where a Registrant will, consistent with program requirements, be awarded points based on their:
 - (a) Business experience and/or work experience;
 - (b) Net worth;
 - (c) Personal investment;
 - (d) Proposed job creation, and maintenance (if applicable);
 - (e) Adaptability; and,
 - (f) Business concept.
- (3) The BC PNP will review and verify the information provided by the Registrant and may, at its discretion, adjust the Registrant's point subtotal if the BC PNP deems that any items were incorrectly scored.
- (4) Each section of the registration has a minimum eligibility score. Registrations that do not meet the minimum score in each section are disqualified. The BC PNP will assign a score to the Business concept section.
- (5) Registrations expire six months after entering the qualified pool, or when the Registrant receives an ITA.
- (6) A Registrant who submits a second registration will have the previous registration withdrawn.
- (7) The BC PNP reserves the right to make changes to the EIR without prior notice, including changes to the score grid, the minimum eligibility score required in each section, the expiry of registrations in the qualified pool, and the number and frequency of Registrants invited to apply.
- (8) If the Registrant is proposing a partnership with a co-Registrant, the total score of the lowest-scoring Registrant(s) will be applied to all co-Registrants.

- (9) Meeting the minimum eligibility requirements does not guarantee an invitation to apply.

60. Invitation to Apply (ITA)

- (1) Periodically, the BC PNP will, at its discretion, invite the highest-scoring qualified Registrants to submit an application for the Entrepreneur Immigration Stream. Invitations to Apply are based on the program's processing capacity and available annual federal allocation of nominations.
- (2) If two or more Registrants have identical total scores, Registrants will be ranked according to their Business concept scores. If the Business concept scores are also identical, the BC PNP will break the tie by ranking Registrants by the score for the following sections, in this order: Personal Investment, Jobs, and Experience.
- (3) An ITA is valid for four months. Applications will not be accepted after the expiry of the ITA.
- (4) An ITA does not guarantee nomination.
- (5) If the Registrant receives an ITA to the Entrepreneur Immigration stream, the registration will be removed from the selection pool.
- (6) If invited to apply, all information provided in the registration will be verified against the information provided in the application.
- (7) Applicants must submit a complete application, consistent with the Entrepreneur Immigration Application Guide.
- (8) Where the application information differs from registration information and the difference is not considered by the BC PNP to be material to the application, the BC PNP may proceed with its processing of the submitted application.
- (9) The BC PNP may refuse an application:
 - (a) If the Applicant does not meet the relevant program or category requirements;
 - (b) Where the application information differs from registration information and the difference is considered by the BC PNP to be material to the application.

61. Review of Personal Net Worth

- (1) The Applicant must satisfy the BC PNP of their total net worth and legal accumulation thereof, consistent with the federal government requirements. Net worth includes assets and liabilities of the Applicant and dependants.
- (2) The Applicant and dependant(s) must have title to any personal and business assets and liabilities claimed.
- (3) In order to submit an application, the Applicant must engage a BC PNP-qualified supplier to review the Applicant and dependent(s)' net worth and accumulation of wealth. The Applicant is responsible for all costs associated with this review.
- (4) The list of qualified suppliers and instructions will be provided to the Applicant in the ITA.

- (5) The Applicant must provide the qualified supplier with a completed Schedule 4A Personal Net Worth form, including the Section J - Accumulation of Wealth Narrative.
- (6) The Applicant must provide the qualified supplier with all net worth supporting documentation identified in Appendix 1 of the Entrepreneur Immigration Program Guide.
- (7) The Applicant must submit the report, as per the Appendix 1 of the Entrepreneur Immigration Program Guide.
- (8) The report is valid for one year from the date of issuance by the qualified supplier.
- (9) Notwithstanding the conclusions of the report, the BC PNP has sole discretion and responsibility to assess the net worth of the applicant and legal accumulation of wealth. Additional information, supporting documentation or clarification may be requested.

62. Business Plan

- (1) Applicants must submit a Business Plan that addresses prescribed topics, as per Appendix 1 of the Entrepreneur Immigration Program Guide, in sufficient detail and clarity to allow the BC PNP to assess the proposed business and application.

63. Interview

- (1) The intent of the interview is to provide the Applicant with an opportunity to describe their experience and demonstrate the ability to execute their business plan. The interview provides the Applicant with the opportunity to respond to concerns respecting BC PNP program requirements.
- (2) The BC PNP determines whether an Applicant will proceed to the interview stage of the assessment.
- (3) If requested by the BC PNP, the Applicant and Key Staff (if applicable) must attend an in-person interview at the BC PNP office in Vancouver. Failure to attend an interview will result in refusal of the application.
- (4) The BC PNP will provide an interview invitation letter to the Applicant and Key Staff (if applicable), which may be used to support to an application for a Temporary Resident Visa (TRV) to attend the interview.
- (5) The BC PNP may decide to issue a second temporary resident visa support letter if an applicant's first temporary resident visa application is refused; this decision at the sole discretion of the BC PNP. No further temporary resident visa support letters are issued if the application is refused a second time. If the applicant is unable to attend an in-person interview in Vancouver, the application will be refused.
- (6) The BC PNP may reschedule the interview one time at the written request of the Applicant.
- (7) Interviews are conducted in English.
- (8) If the Applicant is unable to communicate in English, they must obtain the services of a certified translator. Certified translators may include members of the Society of Translators and Interpreters of BC (STIBC) or individuals who are certified court interpreters.

- (9) In addition to the Applicant or Key Staff (if applicable), the following persons may, with the consent of the BC PNP, attend the interview:
- (a) Spouse or common-law partner;
 - (b) Authorized Representative; and
 - (c) Certified interpreter.
- (10) During the interview:
- (a) The Applicant, and Key Staff if applicable, is the primary participant;
 - (b) A spouse or common-law partner may respond to those questions addressed to him or her by the BC PNP;
 - (c) An Authorized Representative may attend in an observer capacity; and,
 - (d) A translator must not act as a coach or advisor to the Applicant or spouse.

Interview Declaration

- (11) The Applicant and Key Staff, if applicable, must sign an Interview Declaration at the interview. The Interview Declaration confirms that:
- (a) The Applicant attended the interview on the date stated on the Declaration;
 - (b) The information provided is accurate and complete;
 - (c) The information provided is to be used as part of the assessment;
 - (d) any supplementary information that is provided at a later date will only be considered at the sole discretion of the BC PNP;
 - (e) If the application is approved, the Applicant must enter into a Performance Agreement with the Province and that those terms must be satisfied in order to be nominated for permanent residence by the BC PNP; and,
 - (f) Any false statements or concealment of a material fact may result in the refusal of the application.

64. Performance Agreement

- (1) If an Applicant is approved as a Nominee Candidate, a Performance Agreement must be executed with the Province.
- (2) For the purposes of the Performance Agreement, the Commencement Date is defined as the “date signed” on the Government of Canada temporary work permit issued to the Applicant.
- (3) A Performance Agreement is prepared by the BC PNP and customized to the Nominee Candidate, the details of which are confirmed during the interview or subsequently by email.
- (4) The terms and/or conditions of the Performance Agreement may not be varied without prior written approval of the BC PNP.
- (5) The Performance Agreement includes, but is not limited to the following:
 - (a) Description of the intended business activity;
 - (b) Description of the improvement or expansion plan for the purchase of an existing business, if applicable;
 - (c) Proposed location for the intended business activity;
 - (d) Breakdown of the proposed eligible personal investment by cost and purpose;
 - (e) Percentage of business ownership held by the Nominee Candidate;
 - (f) Requirement to reside within 100 km of the business location for at least 75% of the time from the Commencement Date;

- (g) Requirement to create and maintain, if applicable, and employ a minimum number of permanent full-time equivalent jobs, described by job type;
 - (h) Requirement to hold a managerial position in the business and be in regular attendance at the location to provide ongoing, day-to-day management and direction;
 - (i) Occupation, duties and responsibilities expected of the Key Staff, if applicable;
 - (j) A commitment to milestone dates and events including the following:
 - i. Apply for a work permit;
 - ii. Arrive in B.C. as set out in Section 57;
 - iii. Establish a bank account in B.C. and deposit the minimum eligible investment;
 - iv. Submit an Arrival Report to the BC PNP;
 - v. Register with Dun & Bradstreet Creditability Corporation and obtain a D-U-N-S Number;
 - vi. Complete the proposed eligible personal investment;
 - vii. Create jobs specified;
 - viii. Maintain jobs specified, if applicable;
 - ix. Establish and operate or, in the case of an existing business, to purchase, expand and operate the business proposed and approved; and,
 - x. Submit a Final Report to the BC PNP as set out in *Section 58*.
 - (k) The Performance Agreement establishes that the BC PNP has the right to, and the Nominee Candidate will facilitate access to, information about the activities of the Nominee Candidate and monitoring of the business progress.
- (6) Failure to comply with the terms and conditions of the Performance Agreement within the prescribed timelines may result in a refusal of the application or withdrawal of the Nomination.

65. Work Permit Support

- (1) The BC PNP will issue a Letter of Confirmation of Eligibility with a 90-day validity period to a Nominee Candidate upon signing of the Performance Agreement, indicating BC PNP support for the work permit application.
- (2) The Nominee Candidate must then apply to the federal government for a two-year work permit in accordance with subsection 205(a) of the *IRPR*.
- (3) The Nominee Candidate must withdraw from all other provincial or federal immigration applications that would lead to permanent resident status in Canada.

66. Arrival Report

- (1) The Nominee Candidate must, within 12 months of the date appearing on the Confirmation of Eligibility, arrive in B.C. with a temporary work permit.
- (2) The Applicant's Commencement Date is the date at which their Work Permit is issued.
- (3) The Nominee Candidate must submit an Arrival Report to the BC PNP no later than two months from the Commencement Date.
- (4) The Nominee Candidate must submit the Arrival Report using the form specified by the BC PNP with supporting documentation.

67. Final Report

- (1) The Nominee Candidate must submit a Final Report to the BC PNP no earlier than 18 months but no later than 20 months from the Commencement Date.
- (2) The Nominee Candidate must submit the Final Report using the form specified by the BC PNP with supporting documentation.
- (3) The Nominee Candidate must demonstrate that they have:
 - (a) Become economically established in B.C.;
 - (b) Actively managed the day-to-day operations of the business;
 - (c) Resided within 100 kilometres of the business for at least 75% of the Business Establishment Period; and,
 - (d) Met all other terms and conditions of the Performance Agreement.
- (4) As part of the BC PNP assessment of the Final Report the BC PNP may conduct a site visit to the place of business and may schedule an interview with the Nominee Candidate at the BC PNP office.
- (5) A Nominee Candidate may only submit one Final Report, unless requested by the BC PNP.

68. Nomination Decision

- (1) If the Nominee Candidate satisfies the BC PNP that the terms and conditions of the Performance Agreement have been met, the BC PNP will issue a Confirmation of Nomination, valid for six months, allowing the Nominee to apply for Permanent Residence in Canada.
- (2) The application to the federal government must be s prior to the expiry of the Confirmation of Nomination.

69. Extension of the Business Establishment Period

- (1) For the purposes of the Performance Agreement, the Business Establishment Period is defined as the period of not more than 20 months from the Commencement Date.
- (2) If the Nominee Candidate is unable to establish the proposed business within the Business Establishment Period, the Nominee Candidate may request an extension of the Business Establishment Period. The request must be submitted by email no less than four months prior to the expiration of the temporary work permit.
- (3) The Nominee Candidate must demonstrate significant progress has been made towards successfully fulfilling the terms of the Performance Agreement. The BC PNP will review the basis for the extension request and may refuse or grant an extension to the Business Establishment Period. If approved, a letter supporting an application for extension to the temporary work permit for a prescribed period will be issued, if necessary.

70. Strategic Projects Overview

- (1) The Strategic Projects Category assists foreign-controlled companies establish eligible businesses in B.C. with the timely entry of foreign essential managerial, professional or technical staff proposed as Key Staff. Sponsoring companies may propose a maximum of five Key Staff, who intend to settle in B.C. and become Permanent Residents of Canada.

- (2) The Strategic Projects category targets successful foreign corporations with demonstrated financial stability. It is expected that they have already identified investment opportunities in B.C. that are strategic to the growth and expansion of their core businesses. As such, they have completed marketing research and commercial viabilities studies and understand the steps needed to implement their investment plans.
- (3) Under these circumstances, successful applications will result in qualified manager(s) coming to work in the B.C. subsidiary/branch office on BC PNP supported temporary work permits and be approved for nomination for permanent residency in Canada when the terms and conditions of the Performance Agreement are met.

71. Strategic Projects Eligibility Requirements

- (1) Sponsoring companies applying in this category are required to:
 - (a) Make a minimum equity investment of at least \$500,000 CAD to establish or purchase and expand an eligible business;
 - (b) Create at least three new jobs for Canadian citizens or Permanent Residents for each Key Staff member proposed;
 - (c) Establish or purchase and expand a company in B.C. that is incorporated or federally incorporated and registered extra-provincially in B.C.;
 - (d) In accordance with IRPR 87 (6)(b) Acquire, through the investment, at least one-third (33 1/3%) ownership and control of the voting shares of the company, without any rights of redemption;
 - (e) Demonstrate a record of good business practices and successful business operations outside of Canada relevant to the proposed business; and,
 - (f) If approved, sign a Performance Agreement.

72. Strategic Projects Application Process

- (1) Companies must contact the BC PNP and submit an initial proposal to obtain an invitation to apply.
- (2) The initial proposal must include:
 - (a) Company information;
 - (b) A description of the proposed business;
 - (c) A detailed description of the proposed Key Staff's work and education experience and their role in the B.C. subsidiary/branch office;
 - (d) A detailed investment breakdown;
 - (e) The estimated annual revenue;
 - (f) A description of the types of jobs that will be created for Canadian citizens or Permanent Residents; and,
 - (g) Any other information requested by the BC PNP.
- (3) Only companies that demonstrate the ability to contribute significantly to B.C.'s economy based on credible due diligence and sound commercial decisions will be invited to submit an application.

73. Performance Agreement

- (1) If the proposed Strategic Project is approved, a Performance Agreement must be executed by the Sponsoring Company with the Province.

74. Work Permit Support

- (1) The BC PNP will issue a Letter of Confirmation of Eligibility with a 90-day validity period to a Key Staff Nominee Candidate(s) upon the signing of the Performance Agreement by the Sponsoring Company, indicating BC PNP support for the Work Permit Application. The Key Staff Nominee Candidate(s) will then apply to the federal government for a two year temporary work permit under subsection 205(a) of the *IRPR*, as outlined in the Program Delivery Instructions – Significant benefit.

75. Final Report Review

- (1) The Sponsoring Company must submit a Final Report requesting Key Staff nomination, using the form specified by the BC PNP with supporting documentation.

76. Nomination

- (1) If the Sponsoring Company satisfies the BC PNP that the terms and conditions of the Performance Agreement have been met, the BC PNP will issue the Key Staff Nominee Candidate(s), a Confirmation of Nomination, valid for six months, allowing the Key Staff Nominee to apply for Permanent Residence. The application to the federal government must be made prior to the expiry of the Confirmation of Nomination.

77. Conditions of Nomination

- (1) Per Section 4 (2) of The Act, any applicable conditions on nomination approvals must be set out in the notification of approval. A list of these conditions is included with the Confirmation of Nomination notification.

Appendix 1: Standard Operating Procedures – Interim Updates

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Appendix 2: Responsibility Matrix

BC Provincial Nominee Program Responsibility Matrix (Feb 2017)														
	Sec 4 (1) Application Decision	EI Performance Agreement	Work Permit Support Letter	Application Procedural Fairness	Sec 7 Request for Review	Recommend Cancellation of an Approval	Sec 6(1) - Cancel an approval	Sec 3(3) - Refuse to accept an application	Sec 3(2) - Invite applications	Sec 11(1) - Inspections	Sec 3 (1) (b) Information Requests	Preparation of Application for Decision	Recommend of Refund	Refund
Role														
Executive Director	4	3	3	3	4	3	4	4	4	4	4	3	3	3
EI/SI Unit Director	3	3	3	3	3	3	2	3	2	3	3	3	3	2
Program Manager	3	3	3	3	1,2	2	1	2	1 (PMP)	3	3	3	2	
Program Advisor	2	1,2	1,2	1,2		2	1	1		2	1,2	2		
Case Review Officer			1,2 (SI)					1			1,2	2		
Information Officers			1											
Admin Staff	1		1					1						1
	1	Notification												
	2	Decision/Implementation												
	3	Supervisory/Decision/Implementation												
	4	Delegated Authority Under Legislation												

Appendix 3: Comparison Table of Policy & Legislative Regimes

Policy/Process	Pre-February 2017	February 1, 2017	Changes
Client registration	<ul style="list-style-type: none"> BC PNP Online 	<ul style="list-style-type: none"> BC PNP Online 	
Client application	<ul style="list-style-type: none"> BC PNP Online invitation to apply Direct application streams 	<ul style="list-style-type: none"> BC PNP Online invitation to apply Direct application streams 	
Representatives	<ul style="list-style-type: none"> Member in good standing of BC Law Society or ICCRC. Unpaid representatives 	<ul style="list-style-type: none"> Member in good standing of BC Law Society or ICCRC. Unpaid representatives 	
Fees	<ul style="list-style-type: none"> Skills: \$550 Entrepreneur: \$300/\$3500 Key Staff: \$1000 Review: \$0 	<ul style="list-style-type: none"> Skills: \$700 Entrepreneur: \$300/\$3500 Key Staff: \$1000 Review: \$200 	<ul style="list-style-type: none"> Skills fee increased Review fee new
Decision review	<ul style="list-style-type: none"> Review requests formally filed via emailed form 	<ul style="list-style-type: none"> Review requests formally submitted via BC PNP Online with automated fee payment 	<ul style="list-style-type: none"> Majority of requests for review submitted via BCPNP Online. Online fee collection. Requests accessed through link in decision letters.
Client guides	<ul style="list-style-type: none"> SI Guide EI Guide SI Tech Guide EI Application Guide 	<ul style="list-style-type: none"> SI Client Guide (P) EI Client Guide (P) Standard Operating Procedures Manual (I) Interpretive Guide for Legislation and Regulations (P) Tech guide(P) <p>(P) Public document (I) Internal document</p>	<ul style="list-style-type: none"> SOPP Interpretive guide Merge the EI Application Guide with Client Guide Revisions to SI & EI Guides for regulatory alignment
BC PNP Online Updates	Scheduled as required	Update to be performed Jan 31, 2017 through Feb 1, 2017 to allow access to review forms and other updates.	